

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**KANA FARRELL, ORIANA LEE FARRELL
as an individual and O.B.O. her minor children:
HEZEKIAH FARRELL II, KUSH FARRELL,
MAGNIFICENT FARRELL, and
GIBRALTER FARRELL,**

Plaintiffs,

v.

No. 1:15-CV-1113 SMV/LAM

**OFFICER TONY DETAVIS, ANTHONY LUNA,
and FORMER OFFICER (now DEPUTY) ELIAS
MONTOYA, in their individual capacities,
and NEW MEXICO STATE POLICE DEPARTMENT,
and John Does 1, 2 and 3,**

Defendants.

**STIPULATED ORDER STAYING PROCEEDINGS, PENDING THE OUTCOME OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

The parties stipulate that this proceeding should be stayed pending the outcome of Defendants DeTavis, Luna and DPS's Motion For Summary Judgment based on qualified immunity [Doc. 10] (the "Motion"). As grounds therefore, the Parties state:

1. Defendants DeTavis, Luna and DPS filed a Motion for Summary Judgment [Doc 29].
2. The Motion raises defenses of qualified immunity, which, if granted, are not only defenses to liability but are also immunity from suit and all related proceedings. Siegert v. Gilley, 114 L. Ed. 2d 277, 111 S. Ct. 1789, 1793 (1991). The qualified immunity defense protects governmental officials performing discretionary functions from liability as well as the burdens of trial and discovery. Jiron v. City of Lakewood, 392 F.3d 410, 414 (10th Cir. 2004); Workman v. Jordan, 958 F.2d 332, 336 (10th Cir. 1992) ("we reiterate that qualified

immunity is not only a defense to liability but also entitlement to immunity from suit and other demands of litigation" (citing Siegert v. Gilley, 500 U.S. 226 (1991)). For this reason, Defendants filed a Motion for Stay of Proceedings [Doc 11]. Plaintiffs do not oppose the Motion for Stay of Proceedings.



STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY:

WIGGINS, WILLIAMS & WIGGINS
A Professional Corporation

By /s/ Patricia G. Williams
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AGREED AND STIPULATED:

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